

§ 429.71

coil-only highest sales volume combination by more than 6 percent).

(3) *Changes to DOE's regulations requiring re-approval of an ARM.* Manufacturers who elect to use an ARM for determining measures of energy consumption under § 429.16(a)(2)(ii)(B)(1) and paragraph (e)(1) of this section must submit a request for DOE to review the ARM when:

(i) DOE amends the energy conservation standards as specified in § 430.32 for residential central air conditioners and heat pumps. In this case, any testing and evidence required under paragraph (e)(2) of this section shall be developed with units that meet the amended energy conservation standards specified in § 430.32. Re-approval for the ARM must be obtained before the compliance date of amended energy conservation standards. (ii) DOE amends the test procedure for residential air conditioners and heat pumps as specified in appendix M to subpart B of part 430. Re-approval for the ARM must be obtained before the compliance date of amended test procedures.

(4) Manufacturers that elect to use an ARM for determining measures of energy consumption under § 429.16(a)(2)(ii)(B)(1) and paragraph (e)(1) of this section must regularly either subject a sample of their units to independent testing, *e.g.*, through a voluntary certification program, in accordance with the applicable DOE test procedure, or have the representations reviewed by an independent state-registered professional engineer who is not an employee of the manufacturer. The manufacturer may continue to use the ARM only if the testing establishes, or the registered professional engineer certifies, that the results of the ARM accurately represent the energy consumption of the unit(s). Any proposed change to the alternative rating method must be approved by DOE prior to its use for rating.

(5) Manufacturers who choose to use computer simulation or engineering analysis for determining measures of energy consumption under § 429.16(a)(2)(ii)(B)(1) and paragraphs (e)(1) through (e)(4) of this section must permit representatives of the Department of Energy to inspect for verification purposes the simulation

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method(s) and computer program(s) used. This inspection may include conducting simulations to predict the performance of particular outdoor unit “indoor” unit combinations specified by DOE, analysis of previous simulations conducted by the manufacturer, or both.

[76 FR 12451, Mar. 7, 2011; 76 FR 24780, May 2, 2011]

§ 429.71 Maintenance of records.

(a) The manufacturer of any covered product or covered equipment shall establish, maintain, and retain the records of certification reports, of the underlying test data for all certification testing, and of any other testing conducted to satisfy the requirements of this part, part 430, and part 431. Any manufacturer who chooses to use an alternative method for determining energy efficiency or energy use in accordance with § 429.70 must retain the records required by that section, any other records of any testing performed to support the use of the alternative method, and any certifications required by that section, on file for review by DOE for two years following the discontinuance of all models or combinations whose ratings were based on the alternative method.

(b) Such records shall be organized and indexed in a fashion that makes them readily accessible for review by DOE upon request.

(c) The records shall be retained by the manufacturer for a period of two years from the date that the manufacturer or third party submitter has notified DOE that the model has been discontinued in commerce.

APPENDIX A TO SUBPART B OF PART 429—STUDENT'S T-DISTRIBUTION VALUES FOR CERTIFICATION TESTING

FIGURE 1—T-DISTRIBUTION VALUES FOR CERTIFICATION TESTING
[One-Sided]

Degrees of freedom (from Appendix A)	Confidence Interval			
	90%	95%	97.5%	99%
1	3.078	6.314	12.71	31.82
2	1.886	2.920	4.303	6.965
3	1.638	2.353	3.182	4.541
4	1.533	2.132	2.776	3.747

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FIGURE 1—T-DISTRIBUTION VALUES FOR
CERTIFICATION TESTING—Continued
[One-Sided]

Degrees of freedom (from Appen- dix A)	Confidence Interval			
	90%	95%	97.5%	99%
5	1.476	2.015	2.571	3.365
6	1.440	1.943	2.447	3.143
7	1.415	1.895	2.365	2.998
8	1.397	1.860	2.306	2.896
9	1.383	1.833	2.262	2.821
10	1.372	1.812	2.228	2.764
11	1.363	1.796	2.201	2.718
12	1.356	1.782	2.179	2.681
13	1.350	1.771	2.160	2.650
14	1.345	1.761	2.145	2.624
15	1.341	1.753	2.131	2.602
16	1.337	1.746	2.120	2.583
17	1.333	1.740	2.110	2.567
18	1.330	1.734	2.101	2.552
19	1.328	1.729	2.093	2.539
20	1.325	1.725	2.086	2.528

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Subpart C—Enforcement

§ 429.100 Purpose and scope.

This subpart describes the enforcement authority of DOE to ensure compliance with the conservation standards and regulations.

§ 429.102 Prohibited acts subjecting persons to enforcement action.

(a) Each of the following actions is prohibited:

(1) Failure of a manufacturer to provide, maintain, permit access to, or copying of records required to be supplied under the Act and this part or failure to make reports or provide other information required to be supplied under the Act and this part, including but not limited to failure to properly certify covered products and covered equipment in accordance with § 429.12 and §§ 429.14 through 429.54;

(2) Failure to test any covered product or covered equipment subject to an applicable energy conservation standard in conformance with the applicable test requirements prescribed in 10 CFR parts 430 or 431;

(3) Deliberate use of controls or features in a covered product or covered equipment to circumvent the requirements of a test procedure and produce test results that are unrepresentative of a product's energy or water con-

sumption if measured pursuant to DOE's required test procedure;

(4) Failure of a manufacturer to supply at the manufacturer's expense a requested number of covered products or covered equipment to a designated test laboratory in accordance with a test notice issued by DOE;

(5) Failure of a manufacturer to permit a DOE representative to observe any testing required by the Act and this part and inspect the results of such testing;

(6) Distribution in commerce by a manufacturer or private labeler of any new covered product or covered equipment that is not in compliance with an applicable energy conservation standard prescribed under the Act;

(7) Distribution in commerce by a manufacturer or private labeler of a basic model of covered product or covered equipment after a notice of non-compliance determination has been issued to the manufacturer or private labeler;

(8) Knowing misrepresentation by a manufacturer or private labeler by certifying an energy use or efficiency rating of any covered product or covered equipment distributed in commerce in a manner that is not supported by test data;

(9) For any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

(i) Is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lamp holder with a medium screw base socket; and

(ii) Is capable of being operated at a voltage range at least partially within 110 and 130 volts; or

(10) For any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.

(b) When DOE has reason to believe that a manufacturer or private labeler has undertaken a prohibited act listed in paragraph (a) of this section, DOE may:

(1) Issue a notice of noncompliance determination;